



## UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450  
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FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON DC 20007

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MAR 16 2009

**OFFICE OF PETITIONS**

In re Application of :  
Samain, et al. : LETTER REGARDING PTA  
Application No. 10/019,954 :  
Filed: May 24, 2002 :  
Atty. Dkt. No.: 065691-0267 :

This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed January 28, 2009. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed October 30, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 57 days. Applicants indicate that this adjustment disagrees with applicants' own calculation of adjustment.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 54 days.

A review of the record reveals that the adjustment of 435 days and the reductions of 378 days accorded at the time of allowance are proper.

However, further review of the record reveals that the Office failed to assess a reduction of three days in connection with the July 11, 2008 submission. In accordance with 37 CFR 1.704(c)(8), reduction commenced July 9, 2008, the day after the date that the initial response to the non-final Office action was filed, and ended July 11, 2008, the date that the supplemental reply was filed.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 54 days (adjustment totalling 435 days less reductions totalling 381 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the Alesia M. Brown at (571) 272-3205.

*Kery A. Fries*

Kery Fries  
Senior Patent Attorney  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Monday  
Date: 3/16/2009

Time: 11:42:07

**PALM INTRANET**

PTA Calculations for Application: 10/019954								
Application Filing Date:		05/24/2002	PTO Delay (PTO):		435			
Issue Date of Patent:			Three Years:		0			
Pre-Issue Petitions:		0	Applicant Delay (APPL):		378			
Post-Issue Petitions:		0	Total PTA (days):		54			
PTO Delay Adjustment:		-3						
File Contents History								
Number	Date	Contents Description			PTO	APPL		
83	03/16/2009	ADJUSTMENT OF PTA CALCULATION BY PTO			3			
74	10/30/2008	MAIL NOTICE OF ALLOWANCE						
73	10/28/2008	ISSUE REVISION COMPLETED						
72	10/28/2008	DOCUMENT VERIFICATION						
71	10/14/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED						
70	10/14/2008	CASE DOCKETED TO EXAMINER IN GAU						
69	10/14/2008	EXAMINER'S AMENDMENT COMMUNICATION						
68	10/14/2008	NOTICE OF ALLOWABILITY						
67	08/28/2008	MISCELLANEOUS INCOMING LETTER						
66	08/14/2008	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE						
65	07/11/2008	MISCELLANEOUS INCOMING LETTER						
64	07/11/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED						
63	07/08/2008	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)						
62	07/08/2008	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED						
61	07/28/2008	DATE FORWARDED TO EXAMINER						
60	07/08/2008	RESPONSE AFTER NON-FINAL ACTION			90	58		
59	07/08/2008	REQUEST FOR EXTENSION OF TIME - GRANTED						
58	01/09/2008	MAIL NON-FINAL REJECTION						
57	01/07/2008	NON-FINAL REJECTION						
56	10/25/2007	DATE FORWARDED TO EXAMINER						
55	10/18/2007	RESPONSE AFTER NON-FINAL ACTION			61	53		
		REQUEST FOR EXTENSION OF TIME - GRANTED						

54	10/18/2007				
53	05/18/2007	MAIL NON-FINAL REJECTION			
50	05/14/2007	NON-FINAL REJECTION			
49	03/12/2007	DATE FORWARDED TO EXAMINER			
48	02/28/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
47	03/12/2007	DATE FORWARDED TO EXAMINER			
46	02/28/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)		92	37
45	03/12/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
44	02/28/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	02/28/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
42	01/31/2007	MAIL ADVISORY ACTION (PTOL - 303)			
41	01/29/2007	ADVISORY ACTION (PTOL-303)			
40	01/16/2007	DATE FORWARDED TO EXAMINER			
39	12/28/2006	AMENDMENT AFTER FINAL REJECTION			
38	12/28/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
37	08/28/2006	MAIL FINAL REJECTION (PTOL - 326)			
36	08/21/2006	FINAL REJECTION			
35	06/05/2006	DATE FORWARDED TO EXAMINER			
34	05/30/2006	RESPONSE AFTER NON-FINAL ACTION		62	32
33	05/30/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	12/29/2005	MAIL NON-FINAL REJECTION			
31	01/05/2006	NON-FINAL REJECTION			
28	10/13/2005	DATE FORWARDED TO EXAMINER			
27	10/05/2005	RESPONSE AFTER NON-FINAL ACTION		61	25
26	10/05/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	05/05/2005	MAIL NON-FINAL REJECTION			
24	05/03/2005	NON-FINAL REJECTION			
23	02/23/2005	DATE FORWARDED TO EXAMINER			
22	01/13/2005	RESPONSE TO ELECTION / RESTRICTION FILED		12	18
21	01/13/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	01/13/2005	WORKFLOW INCOMING AMENDMENT IFW			

18	10/01/2004	MAIL RESTRICTION REQUIREMENT	435		-1
17	09/30/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
16	03/20/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	02/12/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14.7	05/24/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	05/24/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	04/03/2003	CASE DOCKETED TO EXAMINER IN GAU			
12	09/10/2002	APPLICATION DISPATCHED FROM OIPE			
11	09/06/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
10	09/04/2002	NOTICE OF DO/EO ACCEPTANCE MAILED			
9	05/24/2002	ADDITIONAL APPLICATION FILING FEES			
8	05/24/2002	INFORMATION DISCLOSURE STATEMENTS			
7	05/24/2002	PRELIMINARY AMENDMENTS			
6	05/24/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	05/24/2002	DRAWING PRELIMINARY AMENDMENT			
4	05/24/2002	TRANSLATION OF THE INTERNATIONAL APPLICATION INTO ENGLISH			
3	05/24/2002	TRANSLATION OF THE INTERNATIONAL APPLICATION INTO ENGLISH			

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#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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